

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-99—HB 5780

Planning and Development Committee

AN ACT CONCERNING INTERLOCAL AGREEMENTS

SUMMARY: This act establishes a single process through which towns can collaborate on municipal functions. Under prior law, towns and municipal bodies could enter into (1) a joint agreement to perform jointly any function the law allowed them to perform individually or (2) an interlocal agreement to collaborate on specified municipal functions and services. The act eliminates the joint agreement process and allows them to collaborate on any function the law allows them to perform individually, using the statutory process for interlocal agreements. It also explicitly allows consolidated towns and cities and consolidated towns and boroughs to enter into these agreements.

Prior law required interlocal agreements to contain provisions addressing specified issues. The act eliminates these required components, thus giving towns more flexibility in negotiating their provisions. It also streamlines the process for approving these agreements and makes a conforming change.

EFFECTIVE DATE: October 1, 2011, except the repeal of required provisions in interlocal agreements is effective upon passage.

INTERLOCAL AGREEMENTS

Services and Functions

Under prior law, towns and other municipal bodies could enter into interlocal agreements with each other or their counterparts in other states to perform anything on a specific, but wide ranging, list of municipal functions and services. The act allows them to enter into these agreements to perform jointly any function any statute, special act, charter, or home-rule ordinance allows them to perform separately.

Required Provisions

Prior law required an interlocal agreement to address the following administrative issues:

1. maximum duration of the agreement, which could not exceed 40 years;
2. its purpose;
3. payment for services, personnel, facilities, and equipment;
4. employee indemnification;
5. the role of any interlocal advisory board the agreement establishes; and
6. dispute resolution.

The act repeals these requirements and instead requires that the agreements be negotiated by the participants and (1) include all mutually agreed upon provisions and (2) establish a process for amending, terminating, or withdrawing from them.

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Approval Process

Prior law specified how the participants entered into an interlocal agreement and the timeframe for doing so. It required participants to submit the proposed agreement to their local legislative bodies. Each such body, within specified timeframes, had to hold at least one public hearing on the proposal, consider changes, and approve, modify, or reject the final proposal.

The act instead requires participants to submit the proposed agreement to their legislative bodies which must, after providing an opportunity for public comment, vote to ratify or reject it. The act specifies that the legislative bodies are not required to hold a public hearing to provide an opportunity for public comment.

The act exempts from the public comment requirement any municipality where the legislative body is the town meeting. It allows the legislative body of such towns, by resolution, to vote to delegate its authority to ratify or reject a proposed interlocal agreement to the board of selectmen, provided the board provides an opportunity for public comment.

Under prior law, unless an agreement required ratification by a specific number of participants, it took effect for the ratifying participants when the agreement specified. Rejection by any participating agency did not void an agreement as to other ratifying agencies, unless the agreement provided otherwise. The act eliminates these provisions.

The act also eliminates the specific requirement that voters approve the agreement at a referendum before it is considered ratified if, under state or local law, any subject contained in the agreement must be submitted to a referendum before being undertaken individually or jointly.

JOINT AGREEMENTS FOR MUNICIPAL SERVICES

The act eliminates the joint agreement process. Prior law required a town entering into such an agreement to approve it in the same manner it approves ordinances or, if the participant does not approve ordinances, in the manner it approves budgets. The terms of each agreement had to include (1) a process for withdrawal and (2) a requirement that the approving body review the agreement at least once every five years to assess whether it improves the functions it addresses.

OLR Tracking: RP:SP:VR:ro